

REMARKS

Claims 14-16 and 21-35 are pending in the application. Applicants reserve the option to further prosecute the same or similar claims in the present or another patent application. No new matter has been added.

Rejection of Claims 14-16 and 21-35 on the Ground of Nonstatutory Obviousness-type Double Patenting

Claims 14-16 and 21-35 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-16 of U.S. Patent No. 5,981,598. In particular, the Examiner asserts that “[t]he claims of the U.S. Patent are drawn to the use of deprenyl in general in the independent claim and specific compounds in the dependent claims for the treatment of glaucoma” and that “[t]he claims of the instant application are within the scope of the claims of the U.S. Patent.”

Applicant respectfully submits that, while in no way admitting that claims 14-16 and 21-35 are obvious over claims 1-16 of U.S. Patent No. 5,981,598, a terminal disclaimer in compliance with 37 C.F.R. 1.321(b) and (c), is submitted concurrently herewith which will obviate this rejection. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw this rejection.

SUMMARY

In view of the foregoing remarks, reconsideration and withdrawal of all rejections and allowance of the instant application with all pending claims are respectfully solicited. If a telephone conversation with Applicant's agent would help expedite the prosecution of the above-identified application, the Examiner is urged to call Applicant's agent at (617) 227-7400.

Dated: October 30, 2008

Respectfully submitted,

By /Meaghan L. Richmond/
Meaghan L. Richmond, Ph.D.
Registration No.: 61,402
LAHIVE & COCKFIELD, LLP
One Post Office Square
Boston, Massachusetts 02109-2127
(617) 227-7400
(617) 742-4214 (Fax)
Agent For Applicant